

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/857,679
 Applicant : Ole Kvernstuen, Sv. et al.
 Int'l. Appln. : PCT/NO99/00366
 Int'l. Filing Date : December 6, 1999
 Title : Device by Tools for Setting of a Production Packer
 Docket No. : 1935-00082

PETITION TO WITHDRAW A HOLDING ON ABANDONMENT
PURSUANT TO 37 C.F.R. §1.181

Milwaukee, Wisconsin 53202
 November 7, 2003

Commissioner for Patents
 Mail Stop - PCT Application
 P.O. Box 1450
 Alexandria, VA 22313-1450

11/13/2003 LLANDGRA 00000048 09857679

01 FC:1460 Sir: 130.00 OP

Petition

This is a Petition to restore this application to pending status before the USPTO.

Background

This application is the U.S. national stage application of International Application No. PCT/NO99/00366. Entry of the national stage was commenced by the submission of PTO Form 1390 "Transmittal Letter to the United States Designated/Elected Office concerning a filing under 35 U.S.C. §371" on June 7, 2001.

A Notification of Missing Requirements under 35 U.S.C. §371 was mailed July 6, 2001.

A Response to the Notice was filed in the USPTO on September 4, 2001. A copy of the Response along with a copy of the postcard acknowledging receipt of same by the PCT Branch of the USPTO accompanies this Petition.

A Status Letter was submitted in the application under a Certificate of Mailing of October 30, 2002.

A telephone call received from Mr. Winston Alvarado on October 3, 2003

Appln. No. 09/857,679
Petition dated November 7, 2003
Reply to PTO Communication of October 27, 2003

indicated that the Response filed in the USPTO under a Certificate of Express Mailing on September 4, 2001 was not in the USPTO file. and it was determined that the transmittal papers sent to the USPTO on September 4, 2001 were to be faxed to his attention at 703-746-6702. A copy of the receipt for the facsimile transmission of October 3, 2003 is enclosed.

A Notice of Abandonment was mailed in this application on October 27, 2003.

Action Sought

Inasmuch as a timely response was made to the Notification of Missing Requirements, the USPTO is requested to restore this application to pending status, forward a Notice of Acceptance and Filing Receipt, and advance this application to examination.

Fees

The petition is accompanied by the following fees:

1. The fee required by 37 C.F.R. §1.17(h) in the amount of \$130.00.

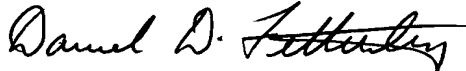
The Commissioner is hereby authorized to charge any additional fees in this application under 37 C.F.R. § 1.16 and 1.17 to Deposit Account No. 01.2000.

Conclusion

Favorable consideration of this petition is respectfully requested. If this Petition is insufficient to obtain the relief sought, the USPTO is requested to contact the undersigned at the phone number, below, to resolve any remaining matters.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP



Daniel D. Fetterley
(Reg. No. 20,323)

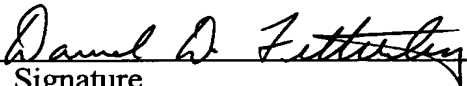
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
(414) 271-7590

CERTIFICATE OF EXPRESS MAIL ATTACHED

Appln. No. 09/857,679
Petition dated November 7, 2003
Reply to PTO Communication of October 27, 2003

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as EXPRESS MAIL - POST OFFICE ADDRESSEE, in an envelope addressed to: Commissioner for Patents, Mail Stop - PCT, P.O. Box 1450, Alexandria, VA 22313-1450 on the 7~~th~~ day of November, 2003. The Express Label is EV342895011US.

Daniel D. Fetterley	20,323
Name	Reg. No.
	11/7/03
Signature	Date

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27 OCT 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Daniel D. Fetterley
ANDRUS, SCEALES, STARKE &
SAWALL, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202

In re Application of
OLE KVERNSTUEN, SV. ET AL.
Application No.: 09/857,679
PCT No.: PCT/NO99/00366
Int. Filing Date: 06 December 1999
Priority Date: 10 December 1998
Agent's File Reference: 1935-00082
For: DEVICE BY TOOLS FOR SETTING
OF A PRODUCTION PACKER

Dear Mr. Fetterley:

This is in response to your communication received 04 November 2002 requesting the status of U.S. application 09/857,679. U.S. application 09/857,679 is abandoned. A response to the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE" (Form PCT/DO/EO/905 mailed 06 July 2001) is not of record in the application file. Although applicants have alleged that that a response was mailed on 04 September 2001, applicants have not offered any evidence that the response was received by the USPTO.

This application is being returned to the DO/EO for mailing a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909).

Leonard Smith
PCT Legal Examiner
PCT Legal Office

JSF/LS:jf

Jeremy Fleming
Paralegal Specialist
PCT Legal Office

(703)308-6154

Please type a plus sign (+) inside this box [+]

Patent and Trademark Office: U.S. Department of Commerce

0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/857,679
		Filing Date	August 4, 2000
		First Named Inventor	Ole Kvernstuen, Sv.
		Group Art Unit	
		Examiner Name	
TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Attorney Docket Number	1935-00082
Total Number of pages in this Submission	5		

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement/PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ <input type="checkbox"/> Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 1.52 or 1.53 <input type="checkbox"/> Request to Rescind Previous Nonpublication Request	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs _____	<input type="checkbox"/> After Allowance Communication To Group <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below) Return receipt postcard REQUEST FOR STATUS
REMARKS:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual Name	Daniel D. Fetterley (Reg. No. 20,323) ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 East Wisconsin Avenue, Suite 1100, Milwaukee, WI 53202
Signature	<i>Daniel D. Fetterley</i>
Date	10/30/02

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on the <u>30th</u> day of October, 2002.			
Typed or printed name	Daniel D. Fetterley		
Signature	<i>Daniel D. Fetterley</i>	Date	10/30/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of)	Group Art Unit:
)	
OLE KVERNSTUEN, SV. ET AL.)	Examiner:
)	
Appln. No. 09/857,679)	DEVICE BY TOOLS FOR SETTING OF A
)	PRODUCTION PACKER
Filed: September 4, 2001)	

REQUEST FOR STATUS

Milwaukee, Wisconsin 53202
October 29, 2002

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

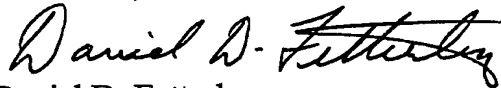
Kindly advise the undersigned attorneys of record of the status of this application.

There has been no correspondence from the Patent and Trademark Office since the Response to Notification of Missing Requirements was filed under a Certificate of Express Mailing dated September 4, 2001.

A duplicate copy of this Status Letter is attached.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

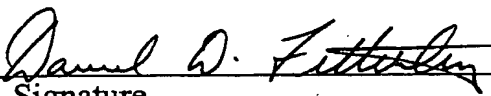


Daniel D. Fetterley
(Reg. No. 20,323)

100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
(414) 271-7590
Atty. Docket No. 1935-00082 (C.11916-55)
CERTIFICATE OF MAILING ATTACHED

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on the 30th day of October, 2002.

Daniel D. Fetterley	20,323
Name	Reg. No.
	10/30/02
Signature	Date

Confirmation Report - Memory Send

Time : 10-03-2003 08:56am
Tel line :
Name :

Job number : 667
Date : 10-03 08:31am
To : 57#1935#82#17037466702#
Document pages : 062
Start time : 10-03 08:31am
End time : 10-03 08:56am
Pages sent : 062
Status : OK

Job number : 667 *** SEND SUCCESSFUL ***

ANDRUS, SCALES, STARKE & SAWALL, LLP
Intellectual Property Law

100 East Wisconsin Avenue, St. 1100
Milwaukee, Wisconsin 53202
Telephone (414) 271-7590
Facsimile (414) 271-5770

FACSIMILE TRANSMISSION	
Date: October 3, 2003	No. of Pages: <u>61</u> (Including this cover page)
To: Examiner Winston Alvarado Group Art Unit: U.S. Patent and Trademark Office Washington, DC	From: Daniel D. Fetterley (Reg. No. 20,323)
Telecopier No. 703-746-6702	
Appln. No. 09/857,679 Our Ref.: 1935-000828888 Title: DEVICE BY TOOLS FOR SETTING OF A PRODUCTION PACKER	Inventor(s): Ole Kvernstuen, Sv.
If transmission is incomplete or illegible, please telephone, fax or telex immediately.	
Examiner Winston Alvarado	
This fax contains the Response to Notification of Missing Requirements filed September 4, 2001.	
Jo Ann Kuczynski for Daniel D. Fetterley Regis. No. 20,323	
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ANDRUS, SCEALES, STARKE & SAWALL, LLP
Intellectual Property Law

100 East Wisconsin Avenue, St. 1100
Milwaukee, Wisconsin 53202
Telephone (414) 271-7590
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Date: October 3, 2003	No. of Pages: <u>61</u> (Including this cover page)
To: Examiner Winston Alvarado Group Art Unit: U.S. Patent and Trademark Office Washington, DC Telecopier No. 703-746-6702	From: Daniel D. Fetterley (Reg. No. 20,323)
Appln. No. 09/857,679 Inventor(s): Ole Kvernstuen, Sv. Our Ref.: 1935-00082 XXXX Title: DEVICE BY TOOLS FOR SETTING OF A PRODUCTION PACKER	
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Examiner Winston Alvarado This fax contains the Response to Notification of Missing Requirements filed September 4, 2001. Jo Ann Kuczynski for Daniel D. Fetterley Regis. No. 20,323	
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/857679	KVERNSTUEN	O 1935-00082
INTERNATIONAL APPLICATION NO.		
PCT/NO99/00366		
I.A. FILING DATE	PRIORITY DATE	
06 DEC 99	10 DEC 98	

ANDRUS SCEALES STARKE & SAWALL
100 EAST WISCONSIN SUITE 1100
MILWAUKEE, WI 53202

DATE MAILED:

06 JUL 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

- The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

<input checked="" type="checkbox"/> U.S. Basic National Fee.	<input checked="" type="checkbox"/> Indication of Small Entity Status.
<input checked="" type="checkbox"/> Copy of the international application.	<input type="checkbox"/> Translation of the international application into English.
<input type="checkbox"/> Oath or Declaration of inventors(s).	<input type="checkbox"/> Translation of Article 19 amendments into English.
<input type="checkbox"/> Copy of Article 19 amendments.	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> Priority Document.	
<input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.	
<input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.	
- ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

<input type="checkbox"/> U.S. Basic National Fee.	<input type="checkbox"/> Copy of the international application.
---	---
- The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

<input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
<input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
<input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
<input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
<input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
<input type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
- Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
- ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

- | | |
|--|--|
| Enclosed: <input type="checkbox"/> PCT/DO/EO/917 | <input type="checkbox"/> Notice of Defective Translation |
| <input type="checkbox"/> PTO-875 | <input type="checkbox"/> PCT/DO/EO/920 |

The stamp of the PTO hereon may be taken as
acknowledging receipt of the date stamped of:

Card # 2004

21. Transmittal Form 533 Rec'd PCT/PTO 04 SEP 2001 X

22. Fee Transmittal (in duplicate) with fee \$ X

23. Amendment and prel. X

24. Amendment X

25. Statement X

26. Request for Extension Time (months) X

27. Notice of Appeal (in triplicate) X

28. Submission of Missing Parts X

29. Declaration and Power of Attorney X

30. Request For Refund X

31. Express Mail Label No. EL 812750224US X

32. IDS w/ info. X

Serial No. 091857,679 Date Sent 9-4-01

Case No. 1935-00082 Date Due 9-6-01

Inventor(s): O. KVERNSTUEN, SV. CoIM 9-4-01

Client NAMS0 day

Revised 10/00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of)	Group Art Unit:
)	
OLE KVERNSTUEN, Sv. ET AL.)	Examiner:
)	
Int'l. Appln. No. PCT/NO99/00366)	DEVICE BY TOOLS FOR SETTING OF A
)	PRODUCTION PACKER
Int'l. Filing Date: 6 December 1999)	
)	
U.S. Appln. No. 09/857,679)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Milwaukee, Wisconsin 53202
September 4, 2001

Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

This correspondence is responsive to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed July 6, 2001 setting a response date of two months from the date of the Notice or September 6, 2001. This correspondence is being submitted within two months from the date of this Notice.

Responsive to the Notification of Missing Requirements mailed July 6, 2001, we enclose the following documents/items.

1. A copy of the Notification of July 6, 2001.
2. A declaration in this application executed by the inventor(s). The declaration includes the name(s) of the inventor(s), the title of the invention, and the International Appln. No. and filing date of the application. The application that the inventor(s) executed by signing the attached declaration is believed adequately identified in accordance with 1177 OG 60 of August 5, 1995.
3. A Second Preliminary Amendment.
4. An Information Disclosure Statement.

The amount of \$565.00 (small entity) covering the filing fee of \$500.00 for 16 claims, 1 of which is/are independent and the surcharge in the amount of \$65.00 was submitted with the application, as filed, on June 7, 2001. Kindly charge any additional fees under 37 C.F.R. §§1.16 or 1.17 incurred in connection with this application to Andrus, Sceales, Starke & Sawall Deposit Account No. 01.2000. A duplicate copy of this submission is attached.

Issuance of a Notice of Acceptance and entry of this application into the National Phase is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

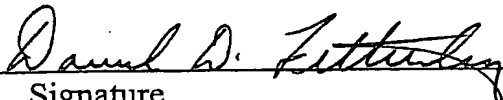


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(Reg. No. 20,323)

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(414) 271-7590
Atty. Docket No. 1935-00082 (C.11916-55)

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as EXPRESS MAIL - POST OFFICE ADDRESSEE, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the 4~~th~~ day of September, 2001. The Express Label is EL812750224US.

<u>Daniel D. Fetterley</u>	<u>20,323</u>
Name	Reg. No.
<u></u>	<u>9/4/01</u>
Signature	Date